

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DATA-COM TELECOMMUNICATIONS, INC.,

Plaintiff,

-against-

EMPIRE INTERNATIONAL, LTD.,

Defendant.

Civil Action No. 07 CV 3207 (WHP)

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for all parties to the above-captioned action, that plaintiff's motion to remand this action to Supreme Court of the State of New York, Rockland County and for an award of attorneys' fees in connection with that motion is hereby withdrawn.

IT IS FURTHER STIPULATED AND AGREED, that defendant's cross-motion to amend the notice of removal is hereby withdrawn.

IT IS FURTHER STIPULATED AND AGREED, that the proper venue for this action is the Supreme Court of the State of New York, New York County.

IT IS FURTHER STIPULATED AND AGREED, that this action be remanded to the Supreme Court of the State of New York, Rockland County for further proceedings.


IT IS FURTHER STIPULATED AND AGREED, that upon remand to Supreme Court of the State of New York, Rockland County, the parties will cooperate and take all necessary steps to effectuate the transfer of the action from that Court to the Supreme Court of the State of New York, New York County.

Dated: New York, New York
October 9, 2007


CONDON RESNICK, LLP

By: _____
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By:  _____
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SO ORDERED:


Hon. William H. Pauley, III, U.S.D.J.
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CONDONRESNICK LLP

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10/12/07